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December 14, 2010

Ex Parte Submission – Filed Electronically Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Notice of Telephonic *Ex Parte* Communication, Preserving the Open Internet GN Docket No. 09-191; Broadband Industry Practices WC Docket No. 07-52 & Docket 10-127 (Framework for Broadband Internet Service).

Dear Ms. Dortch:

On December 13, 2010, Level 3 Assistant Chief Legal Officer Bob Yates and I spoke with Sharon Gillett, Chief of the Wireline Competition Bureau, regarding the disagreement between Comcast and Level 3. During the call, we sought to clarify a communication that Lynn Charytan of Comcast had with Ms. Gillett in a call earlier on December 13 (as reflected in Comcast's subsequent *ex parte* filing yesterday afternoon).

Specifically, while we confirmed Ms. Charytan's representation that engineers from the two companies are meeting today, this meeting should not be taken as a sign that the resolution of the dispute is forthcoming. In fact, representatives of the two companies have communicated nearly every day since the disagreement arose in mid-November, including as recently as yesterday morning when Level 3 reiterated to Comcast our proposal to use Level 3's own IP backbone to carry content right to the edge of the Comcast local Internet access markets where the substantial majority of Comcast's subscribers reside, at no charge to Comcast. Since Comcast has repeatedly characterized the matter as a "peering dispute" between two backbone networks, one would think that Comcast would readily accept Level 3's proposal. However, Comcast appears to continue to reserve the right to charge for the delivery of content requested by Comcast's subscribers, regardless of where Level 3 delivers it. Until that issue is addressed, we remain at a standstill.

Sincerely,

A handwritten signature in blue ink that reads "John Ryan".

John Ryan
Assistant Chief Legal Officer
Level 3 Communications, Inc.